**IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.**

Civil Misc. Modification Application No. 4386 of 2005
In
Writ Petition No. 781 (S/S) of 2005

Manohar Singh,
Son of Sri Prayag Singh,
Resident of Bhandari Shera,
P.O.- Rawat Shera,
District – Bageshwar. **…….Petitioner.**

**V e r s u s**

1. State of Uttaranchal, through Secretary Education Department, Government of Uttaranchal at Dehradun.
2. Director of Education, Uttaranchal at Dehradun.
3. Principal District Institute of Education and Training Almora, District – Almora.
4. B.R. Paneru presently working as Principal District Institute of Education and Training, Almora.
5. Km. Devki, daughter of Ajab Singh working as Primary School Dulampur, District – Bageshwar.

**…….Respondents**

**Hon'ble P.C. Verma, J**

Heard Sri S.S. Yadav, learned counsel for the petitioner and Sri Harendra Belwal, learned standing counsel for respondents.

Learned counsel for both the parties are agreed to decide the writ petition at its admission stage itself.

The petitioner has passed C.P. Ed. From Maharastra and he is claiming admission in Special BTC in the State of Uttaranchal. There is no Government Order on record

which shows that certificate of C.P. Ed. From Maharastra is equivalent to C.P.Ed. from Uttaranchal. These are State subjects and these subjects are governed by State Executive either by legislation or Government Order.

The Special BTC course was stated in the State of Uttaranchal vide Government Order dated 21.04.2001, which was modified vide Government Order dated 18.08.2001 and further modified by Government Order dated 20.09.2001. The latest Government Order was issued by the State Government vide order dated 23.11.2001, which is on record. The latest Government Order provides various eligibility for Special BTC course, which are as under:

(i) For special BTC course, candidates who have passed out as regular candidates from recognized institution are also included.

(ii) For admission in Special BTC course the maximum age limit is fixed 40 years. Relaxation in age and reservation in admission shall be as per Government Order issued by Personnel Department of Government.

(iii) Candidate, who has passed Shiksha Shastri from Sanskrit University, Uttar Pradesh or out of Uttar Pradesh from recognized institutions as a regular candidates shall be eligible for admission……..

(iv) In relation to C.P.Ed, B.P. Ed. and D. P. Ed. the regular candidates who have passed their examination from recognized institutes before

1997 as the time period recognized by State of U.P. shall only be eligible for admission.

Petitioner has passed out their C.P. Ed. after 1997 from Maharastra. Learned counsel for the petitioner has submitted that petitioner had been admitted in the year 1997 – 98 and so he is entitled to get the benefit of Government Order dated 23.11.2001.

Arguments of the Learned counsel for the petitioner are misconceived. In the Government Order it is very clearly mentioned that candidate must pass out in the year 1997 meaning thereby the session 1996 – 97. According to this clause IV of the Government Order dated 23.11.2001 petitioner is not eligible to be admitted in Special BTC course in the State of Uttaranchal. It has also not been shown in any Government Order that the Institution from which the petitioner has passed is recognized for C.P.Ed course in Uttaranchal for admission in Special BTC. Meaning thereby C.P. Ed. of Maharastra has no equivalence to C.P. Ed. of Uttaranchal for making them eligible for Special BTC.

Learned counsel for the petitioners has submitted that respondent no. 5 – Ms. Devki, is the batch mate of petitioner and has passed C.P. Ed. with petitioner from the same Institution and she has been admitted for Special BTC course. Ms. Devki was also denied admission by the State Government in view of Clause IV of the Government Order dated 23.11.2001 but Ms. Devki has obtained order of this court for provisional admission, accordingly, she has passed the Special BTC and declared successful. Now, she is

employed. The said parity cannot be granted to the petitioner as Clause IV of the said Government Order dated 23.11.2001 was not in the notice of this court which clearly debarred those candidates, who have completed their C.P.Ed. from out of State after the year 1997. It is settled law that Article 14 cannot be invoked on the ground of mistake, therefore, the contention of the petitioner that Article 14 is violated because of admission of Ms. Devki has no merit.

For the reasons recorded above, writ petition lacks merit, hence dismissed. Interim order, if any, stands discharge. Accordingly, present application for modification is also dismissed.

**(P.C. Verma, J)**

July 18, 2005
S.K.Sharma